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5 Attorney for Pil Sun Kim Kitami

6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE  
8 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

9  
10 In re ORDER TO SHOW CAUSE

) CASE NO. CV 05-00019

11 LI YING HUA, ET AL.,

)  
12 Plaintiffs,  
13 vs.  
14 JUNG JIN CORPORATION, ET AL.,  
15 Defendants.

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**DECLARATION OF COUNSEL IN  
SUPPORT OF MOTION FOR  
CONTINUANCE AND FOR SHORTENED  
TIME ON MOTION FOR  
CONTINUANCE**

16 Time:

17 Date:

18 Judge: Munson

I, Richard W. Pierce, declare as follows:

19 1. Pil Sun Kim Kitami is a long time client in relation to my practice of law in the  
20 Commonwealth of the Northern Mariana Islands.

21 2. The attorney for the Plaintiffs know that I represent Ms. Kitami in relation to their  
22 secured interest in the properties described at paragraph one (1), subsections a, c, and d of the  
23 Court's December 7, 2006, Order in this proceeding. The counsel knows because I provided him  
24 documentation on the secured interests of Mrs. Kitami in the *res*, and I attended a deposition of  
25 Ms. Kitami taken by Plaintiffs' counsel.

26 3. I am in the continental United States for the holidays. I gave adequate notice to  
27 CNMI-based attorneys under CNMI law of my intended off-island status.

1       4. Ms. Kitami has a promissory note of \$300,000.00 (approximately) from the  
2 individual defendants in this civil action and a properly secured interest in the property referenced  
3 in paragraph 2, above. I prepared the instruments of debt and the security.

4       5. When I learned about the December 27, 2006, hearing on this Court's order to show  
5 cause, I called Plaintiffs' counsel and told him of my circumstances. He offered to change the  
6 December 27, 2006 hearing date until January 10, 2006, but I needed January 17, 2006, in order to  
7 prepare. I return to the CNMI on January 3, 2006, and I will have matters which require attention  
8 other than this case. One week is not sufficient time to research this matter and attend to other  
9 clients.

11       6.       The timing of the seizure of the *res* in this case has not been a product of Mrs.  
12 Kitami. As her counsel, I had no notice of the motion for the order in aid of judgment, or of this  
13 Court's order, until on or about December 19, 2006. Any emergency is a product of the Plaintiffs'  
14 making.

16        7. On information and belief, Mrs. Kitami has paid the rent to the fee simple holder of  
17 Lot 056 H 14 for about the last six months in order to preserve her mortgage interest.

18       8.      As the counsel for Mrs. Kitami on this matter, I am in no position to represent her  
19 adequately by the date of December 27, 2006, or January 10, 2007. If the Court does not grant the  
20 continuance as requested until January 17, 2007, at least the Court should grant a continuance for  
21 her to obtain other counsel.

23 I declare under penalty of perjury under the laws of the United States of America that the  
24 foregoing is true and correct.

25 Dated: December 21, 2006, in Wintergreen, Virginia, USA.

Richard W. Pierce<sup>/S/</sup>